

PPM 422

SEVERITY DETERMINATION

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GENERAL REQUIREMENTS**422.01 SEVERITY DETERMINATION REQUIREMENT**

The completed assessment for determining eligibility and priority for services conducted in accordance with PPM chapter 420 must result in a determination regarding the significance (severity) of each individual's disability—whether the individual is an individual with a disability (not SD), an individual with a significant disability (SD), or an individual with a most significant disability (MSD)—as described in this chapter.

422.02 PURPOSE OF THE SEVERITY DETERMINATION

A severity determination is required:

- (1) in order for the Vocational Rehabilitation Program to meet federal reporting requirements;
- (2) as a prerequisite to the provision of trial work experiences, an extended evaluation, or supported employment services (all of which are limited to individuals with the most significant disabilities); and
- (3) as the basis for the individual's assignment to a priority for services category, if the Vocational Rehabilitation Program is operating under an order of selection, as described in PPM chapter 430.

422.03 TIMELINESS REQUIREMENTS

The determination regarding the severity of the individual's disability must be completed as soon as possible for each individual who has applied, but not more than 10 business days following the Counselor's receipt of the information and documentation needed to complete the severity determination. In all instances, the determination must be completed (and the documentation contained in each individual's record of services must accurately reflect the determination made) prior to, and as a prerequisite for:

- (1) entry of the record of services into status 04 and the provision of any trial work experiences;
- (2) entry of the record of services into status 06 and the provision of any extended evaluation;
- (3) the provision of any supported employment (SE) services;
- (4) entry of the record of services into program status 12 and the approval of any Individualized Plan for Employment (IPE) for any individual certified to be eligible for vocational rehabilitation services; and
- (5) closure of the record of services to any of statuses 30, 28, or 26 (and closure to status 08 from status 02, if sufficient information has been obtained to determine his or her severity level.

[REQUIRED PRACTICE. (1) With respect to paragraphs (1), (2), and (3) of this section, the individual must be determined to be an individual with a most significant disability (MSD) prior to movement of the record of services to any of statuses 04 or 06, or the provision of any trial work experiences, extended evaluation, or supported employment services.

(2) In regard to paragraph (5) of this section and closures to status 08, if the record of services contains sufficient severity-relevant information to make a severity determination, the Vocational Rehabilitation Counselor is required to document the level of severity for each individual exiting the program from status 02 to status 08 as not SD, SD, or MSD, as applicable, but may leave the severity determination field of the IRIS severity screen blank if the individual is exiting the program from application status 02 prior to completing the assessment for determining eligibility and priority for services and before sufficient severity-relevant information has been obtained to make a severity determination. The Counselor is required, however, to have specified the severity level in all cases as not SD, SD, or MSD for each closure to any of closure statuses 08 (if from 04 or 06), 30, 28, or 26. In some instances, the Counselor may be required to make his or her best judgment of the severity level based on incomplete information limited to whatever information is present in the record of services or whatever direct observations can be made.]

422.04 REVIEW AND REDETERMINATION OF SEVERITY

The severity determination can be reviewed, and amended to either a more significant or less significant severity level, as appropriate, prior to the date on which the Individualized Plan for Employment (IPE) is signed; however,

following the signing of the IPE (and subsequently, throughout the remainder of the individual's participation in vocational rehabilitation services), the severity determination can be amended only to a more significant severity level.

[REQUIRED PRACTICE. A review of the severity level last assigned is required: (1) before signing the initial IPE; and (2) annually thereafter, as part of the IPE review and amendment process, and is recommended: (3) any time that the record of services is being moved from status 24 (services interrupted) to any other status; (4) if the individual requests mediation or an administrative hearing with respect to his or her severity level assignment or the resulting priority for services category assignment under the order of selection; and (5) at the time of closure to any of statuses 08, 30, 28, or 26, in order to assure that all available severity information has been entered into IRIS and whether or not the assigned severity level should be amended. For all status 33 closures, the Vocational Rehabilitation Counselor must change the status only, and must not update the closure screen in IRIS, as completing the closure screen for status 33 will change status 26 closure data that may already have been submitted for federal reporting purposes. Review and amendment of the assigned severity level may also be necessary at any time during the individual's Vocational Rehabilitation Program participation that the individual experiences changes to—or additional significant information is received regarding—his or her disability, functional capacities, or service needs.]

422.05 AUTHORITY FOR MAKING THE SEVERITY DETERMINATION

Each determination regarding the severity of an individual's disability must be made by a qualified Vocational Rehabilitation Counselor or by another qualified professional employed by the Vocational Rehabilitation Program, and cannot be delegated to any other individual or agency.

MAKING THE SEVERITY DETERMINATION

422.06 LEVELS OF SEVERITY

(1) The severity determination must establish that the individual's disability is a disability of one of three levels of significance, including:

(A) individual with a disability ("not SD"), meaning an individual—

(1) who has a physical or mental impairment,

(2) whose impairment constitutes or results for the individual in a substantial impediment to employment, and

(3) who is presumed to be able to benefit in terms of an employment outcome from the provision of vocational rehabilitation services; or

(B) individual with a significant disability ("SD"), meaning an individual with a disability, as described in paragraph (1)(A) of this section—

(1) who has a severe physical or mental impairment that seriously limits one or two functional capacities (cognitive and learning skills, communication, interpersonal skills, mobility, motor skills, self care, self direction, work skills, and work tolerance) in terms of an employment outcome,

(2) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time, and

(3) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and priority for services or a comprehensive assessment of vocational rehabilitation needs to cause comparable substantial functional limitation; or

(C) individual with a most significant disability ("MSD"), meaning an individual with a disability, as described in paragraph (1)(A) of this section—

(1) who has a severe physical or mental impairment that seriously limits three or more functional capacities (cognitive and learning skills, communication, interpersonal skills, mobility, motor skills, self care, self direction, work skills, and work tolerance) in terms of an employment outcome,

(2) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time, and

(3) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and priority for services or a comprehensive assessment of vocational rehabilitation needs to cause comparable substantial functional limitation.

(2) All severity level assignments described in paragraph (1) of this section must be made based only on a determination of the number of functional capacities seriously limited, the number of vocational rehabilitation services expected to be required, and the anticipated duration of the required services, and can be based on no other factors.

422.07 INFORMATION USED FOR MAKING THE SEVERITY DETERMINATION

The severity determination and any subsequent revision thereof must be based on the information obtained or generated for the assessment for determining eligibility and priority for services, as described in PPM 420, a comprehensive assessment for determining vocational rehabilitation needs,

or other additional information obtained during the individual's Vocational Rehabilitation Program participation.

422.08 PRESUMPTION OF SEVERITY FOR SSI BENEFICIARIES AND SSI RECIPIENTS

In accordance with the requirements of PPM 421.08, each individual who has been determined to be an allowed Social Security Disability Insurance (SSDI) beneficiary and/or an allowed Supplemental Security Income (SSI) recipient by reason of blindness or other disability pursuant to Title II and/or Title XVI of the Social Security Act (42 USC 401, *et seq.* and 1381, *et seq.*) must be presumed to be an individual with significant disability or (if appropriate and the individual meets the requirements for assignment to the more significant severity level) an individual with a most significant disability for purposes of Vocational Rehabilitation Program participation.

422.09 PROHIBITED FACTORS

(1) NONDISCRIMINATION REQUIREMENT

All severity determinations must be made without regard to the individual's age, gender, race, color, creed, national origin, or type of disability, in accordance with the nondiscrimination policy of the program, as described in PPM 110.01.

(2) DURATION OF RESIDENCY

The Vocational Rehabilitation Program will impose no duration of residency requirement as a condition of eligibility for any applicant who is present in the state, as described in PPM 110.02.

[REQUIRED PRACTICE. See PPM 110.02 for further information concerning the individual's required presence in the state.]

APPLYING THE SEVERITY LEVEL DETERMINATION REQUIREMENTS**422.10 DETERMINING AN INDIVIDUAL'S FUNCTIONAL CAPACITY**

The following criteria must be employed to determine whether or not the individual has a serious limitation of functional capacity in the nine functional capacity areas considered for the severity determination (cognitive and learning skills, communication, interpersonal skills, mobility, motor skills, self care, self direction, work skills, and work tolerance).

(1) COGNITIVE AND LEARNING SKILLS

An individual will be determined to have a serious limitation of cognitive and learning skills if (due to a physical or mental impairment) his or her thought processes are currently limited to a degree that the individual consistently requires specialized learning methods, repetition, reinforcements, prompts, or other assistance from one or more other individuals, or assistive technology devices or services, to acquire, process, comprehend, retain, recall, and apply learned information and skills in situations necessary to prepare for, enter or reenter, or maintain employment in an integrated setting.

(2) COMMUNICATION

An individual will be determined to have a serious limitation of communication if (due to a physical or mental impairment) his or her expressive or receptive communication is currently limited to the extent that the individual consistently requires the assistance of one or more other individuals, or assistive technology devices or services, to exchange information in situations necessary to prepare for, enter or reenter, or maintain employment in an integrated setting.

(3) INTERPERSONAL SKILLS

An individual will be determined to have a serious limitation of interpersonal skills if (due to the physical or mental impairment) he or she is currently unable to form and maintain positive and productive relationships (including relationships with family members, care givers and other service providers,

supervisors and managers, peers including coworkers, and the community) in a manner appropriate to age, setting, and circumstances, as necessary to prepare for, enter or reenter, or maintain employment in an integrated setting.

(4) MOBILITY

An individual will be determined to have a serious limitation of mobility if (due to a physical or mental impairment) his or her mobility is currently limited to the extent that he or she consistently requires the assistance of one or more other individuals, or assistive technology devices or services, to meet transfer, safety supervision, or other mobility needs in situations necessary to prepare for, enter or reenter, or maintain employment in an integrated setting.

(5) MOTOR SKILLS

An individual will be determined to have a serious limitation of motor skills if (due to a physical or mental impairment) his or her gross or fine motor function is currently limited to the extent that the individual consistently requires the assistance of one or more other individuals, or assistive technology devices or services, to hold, manipulate, operate, or otherwise utilize objects in his or her environment (such as zippers and buttons on clothing, scissors, paperclips, writing utensils, work tools, equipment, or materials) necessary to prepare for, enter or reenter, or maintain employment in an integrated setting.

(6) SELF CARE

An individual will be determined to have a serious limitation of self-care skills if (due to a physical or mental impairment) his or her daily living capacities are currently limited to the extent that he or she consistently requires the assistance of one or more other individuals, or assistive technology devices or services, to:

(A) eat, and/or

(B) toilet, and/or

(C) meet his or her bathing, grooming and hygiene, and dressing/undressing needs (all three),

as necessary to prepare for, enter or reenter, or maintain employment in an integrated setting.

(7) SELF DIRECTION

An individual will be determined to have a serious limitation of self-direction skills if (due to a physical or mental impairment) the individual's ability to manage his or her own affairs is currently limited to the extent that he or she consistently requires the assistance of one or more other individuals, or assistive technology devices or services, to plan, initiate, complete, evaluate, or (as may be appropriate) modify his or her own decisions, behaviors, and actions in situations necessary to prepare for, enter or reenter, or maintain employment in an integrated setting.

(8) WORK SKILLS

An individual will be determined to have a serious limitation of work skills if the individual's work history reveals chronic unemployment or underemployment and (due to a physical or mental impairment) the individual:

(A) currently lacks the training, knowledge, experience, skills, or other job qualifications necessary to obtain and retain an employment outcome of his or her informed choice in an integrated setting that is consistent with his or her vocational strengths, resources, priorities, concerns, abilities, capabilities, and career interests; and,

(B) currently has significantly limited capacity to acquire the necessary training, knowledge, experience, skills, or other job qualifications; and

(C) will require multiple vocational rehabilitation services of a substantial nature to prepare for, enter or reenter, or maintain employment in an integrated setting.

(9) WORK TOLERANCE

An individual will be determined to have a serious limitation of work tolerance if (due to a physical or mental impairment causing a limitation of concentration, strength, or stamina) his or her ability to sustain work over the course of a full work day or a full work week is currently limited to the extent that the individual consistently requires long-term accommodations of job duties, work schedules, break schedules, work environment, job supervision, peer supports, or job performance and retention expectations to prepare for, enter or reenter, or maintain employment in an integrated setting.

422.11 DETERMINING WHETHER OR NOT AN INDIVIDUAL REQUIRES MULTIPLE VOCATIONAL REHABILITATION SERVICES

In order to determine that the vocational rehabilitation of the individual is expected to require multiple vocational rehabilitation services, the Vocational Rehabilitation Counselor must ascertain that the individual requires the provision of services from any two or more of the following service categories.

(1) Vocational counseling and guidance, if the anticipated counseling and guidance will require significant interaction between the Vocational Rehabilitation Counselor and the individual over the course of the individual's participation in his or her vocational rehabilitation program and is required for, and is expected to contribute substantially to, the individual's achievement of an integrated employment outcome;

(2) Physical and mental restoration services (except physical and mental restoration services provided for the purpose of an assessment for determining eligibility and priority for services or an assessment for determining vocational rehabilitation needs), if the anticipated physical and mental restoration services are required for, and are expected to contribute substantially to, the individual's achievement of an integrated employment outcome;

(3) Rehabilitation technology services, consisting of rehabilitation engineering, assistive technology devices, and/or assistive technology

services, if the anticipated rehabilitation technology services are required for, and are expected to contribute substantially to, the individual's achievement of an integrated employment outcome;

(4) Training services, consisting of postsecondary training, on-the-job training, Randolph-Sheppard vending facility training, rehabilitation teaching or orientation and mobility training for individuals who are blind, or other training (except training provided for an assessment for determining eligibility and priority for services, trial work experiences, an extended evaluation, or supported employment), if the anticipated training services are required for, and are expected to contribute substantially to, the individual's achievement of an integrated employment outcome;

(5) Job-related services, consisting of job search, job development, job placement assistance, job retention services, and follow-up and follow-along services (except when such services are provided for an assessment for determining eligibility and priority for services, trial work experiences, an extended evaluation, or supported employment services), if the anticipated services are required for, and are expected to contribute substantially to, the individual's achievement of an integrated employment outcome;

(6) Supported employment services (including supported employment job development, job placement, job coaching, job retention, transitional employment, and extended services), if the anticipated services are required for, and are expected to contribute substantially to, the individual's achievement of an integrated supported employment outcome; or

(7) Consultation and technical assistance to conduct market analyses, develop business plans, and secure operating capital, and the provision of other goods and services (including licenses and permits, tools and equipment, and initial stocks and supplies) to assist individuals who are establishing a small business enterprise or other self-employment business operation as an employment outcome, if the anticipated services are required for, and are expected to contribute substantially to, the individual's achievement of an integrated employment outcome.

[REQUIRED PRACTICE. Services which cannot be counted toward meeting the multiple services requirement include: (1) the assessment for determining eligibility and priority for services, or any service provided for purposes of completing the assessment

(including services provided during trial work experiences or an extended evaluation); (2) the assessment for determining vocational rehabilitation needs, or any service provided for purposes of completing the assessment; (3) any counseling and guidance which is limited to types of counseling and guidance which must be provided universally, to all program participants (such as the provision of information to assist an individual in exercising his or her informed choice); (4) information and referral services; (5) any supporting service, including Vocational Rehabilitation Program maintenance or transportation, services to family members, or personal assistance services (attendant, interpreting, note taking, or reading services); (6) job-related follow-up and follow-along limited to the 90-day closure requirement for rehabilitation (60 days for supported employment closures), unless substantive interventions are provided to assure job maintenance and stabilization; or (7) routine case management activities, such as the processing of required fiscal documents.]

422.12 DETERMINING WHETHER OR NOT AN INDIVIDUAL REQUIRES SERVICES OVER AN EXTENDED PERIOD OF TIME

The individual will be deemed to require services over an extended period of time if it is anticipated that the services identified in accordance with section 422.11 will be provided over a period of nine months or longer, from the date on which the individual's IPE is signed until the date of successful rehabilitation and closure of the record of services.

422.13 SERVICE PROVISION REQUIREMENTS

(1) All vocational rehabilitation services provided in order to determine the severity of each individual's disability must include any available vocational rehabilitation services that are necessary for the Vocational Rehabilitation Counselor to make the required determination, but can include only those services that are:

(A) appropriate and necessary for making the severity determination;

(B) (in the case of services provided during trial work experiences and extended evaluations) in accordance with the individual's trial work experiences or extended evaluation plan, as applicable; and

(C) obtained with the full prior knowledge, approval, and authorization of the Vocational Rehabilitation Counselor.

[REQUIRED PRACTICE. With respect to paragraph (1)(C) of this section, costs incurred by an individual for services obtained without the full prior knowledge, approval, and authorization of the Vocational Rehabilitation Counselor will not be paid for or reimbursed by the Vocational Rehabilitation Program.]

(2) Each vocational rehabilitation service provided for the purpose of determining the severity of an applicant's disability must be provided in accordance with all applicable policies regarding the service and its provision, including, but not limited to, all policies regarding the nature, scope, and duration of service provision and their conditions and limitations, the qualifications and selection of service providers, and fiscal requirements and limitations pertaining to the particular service.

RECORD OF SERVICES DOCUMENTATION REQUIREMENTS

422.14 RECORD OF SERVICES CONTENT REQUIREMENTS

For every individual for whom a severity determination has been made, the record of services of the individual must include, as applicable to each individual:

- (1) the severity of the individual's disability, as determined in accordance with PPM 422.06;
- (2) all information obtained or generated for the purpose of any severity determination or redetermination, as described in PPM 422.07, and case notes describing the conclusions of the Counselor with respect to such information;
- (3) if the severity of the individual's disability has been based on a presumption of severity for SSDI beneficiaries and SSI recipients as described in PPM 422.08, the means by which verification was secured of the individual's Social Security Disability Insurance (SSDI) beneficiary and/or blind/disabled Supplemental Security Income (SSI) recipient status, as described in PPM 421.08(2);
- (4) identification of which of the nine functional capacities has been determined to be seriously limited, in accordance with the requirements of PPM 422.10 (one or two functional capacities, if the individual has been

determined to be an individual with significant disabilities, or three or more functional capacities, if the individual has been determined to be an individual with most significant disabilities);

(5) if the individual has been determined to be an individual with significant disabilities or an individual with most significant disabilities, identification of at least two of the multiple vocational rehabilitation services categories required, as per PPM 422.11;

(6) verification that the individual is or is not expected to require service provision over an extended period of time, as required by PPM 422.12; and

(7) all authorizations, billings, claim-vouchers, or other documentation fiscally required to authorize and make payment for diagnostic and evaluation and other services purchased for any necessary assessment to determine severity.

421.15 INFORMATION TECHNOLOGY SYSTEM COMPLIANCE

All required information, data, and documents must be incorporated and maintained in the record of services for the individual in a manner consistent with Indiana Rehabilitation Information System (IRIS) requirements.

[AUTHORITY: Federal regulations 34 CFR §§361.5(b)(6); 361.5(b)(28); 361.5(b)(30); 361.5(b)(31); 361.13(c); 361.29(d)(1); 361.39; 361.40; 361.42; 361.47; 361.48; 361.50(a); 361.52; 361.53; 361.54.]

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